Government of Saskatchewan

Annual Report 2003

Saskatchewan Public and Private Rights Board

104-05133/

Table of Contents

Letter of Transmittal 2

Staff 3

Message from the Chairman 3

Tables: 4

a. Number and nature of Claims Received, Negotiated, Completed, Withdrawn and Carried Forward By the Board in 2003 4

b. Number and Nature of Claims Received by the Board in 2003 (by Expropriating Authority) 5

c. Number and Nature of Claims Initiated with the Board in 2003 (by Expropriating Authority) 5

d. Resolution of Claims Initiated with the Board in 2003 (by Expropriating Authority) 5

e. Number and Nature of Claims Received by the Board (1993 – 2003) 6

f. Number of Claims Received by the Board by Expropriating Authority (1993 – 2003) 7

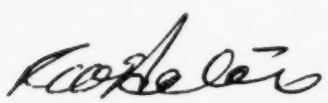
March 26, 2004

Honourable Lorne Calvert
President of Executive Council

Dear Mr. Premier:

As per subsection 6(3) of *The Expropriation Procedure Act*, I have the honour to submit to you the Annual Report of the Public and Private Rights Board for the period January 1, 2003 to December 31, 2003.

Respectfully submitted,



K. W. Acton
Chairman

Staff

The staff of the Public and Private Rights Board are:

K. W. Acton, Chairman
Verna LeBlanc, Administrative Assistant

Message from the Chairman

Under *The Expropriation Procedure Act*, the Public and Private Rights Board has the authority to review matters relating to the expropriation of land or the intention to acquire land by expropriating authorities. The Board investigates claims and manages negotiations between landowners and expropriating authorities in an effort to help the parties reach mutually acceptable solutions.

Landowners may request the Board to review either or both:

a. The route, situation or design of a public improvement;
b. The amount of compensation offered for the expropriated land.

The primary role of the Public and Private Rights Board is dispute resolution. The Board assists landowners and expropriating authorities in reaching agreement on the most appropriate route or design of a public improvement and / or what fair and reasonable compensation should be paid for the required land or easement.

> *"The primary purpose of compensation is to place the owner whose land has been taken in the same position financially as he was prior to the taking. On the one hand, the owner should not receive a windfall or unjust enrichment as a result of the taking. On the other hand, the owner should not be required to shoulder an economic loss for the general public benefit which is achieved as a result of the taking."*
>
> (Expropriation in Canada – A Practitioner's Guide, by Kenneth J. Boyd, Canada Law Book Inc., Aurora, Ontario, 1988, p.27).

The Board is pleased with the collaborative approach taken in 2003 by both landowners and expropriating authorities as they worked together to resolve issues. Eight of the nine claims completed in 2003 were finalized with the parties reaching an agreement. Two additional claims were resolved informally at the inquiry stage without the need to commence a formal investigation.

The Board will continue to extend opportunities for field staff from each primary expropriating agency to train in collaborative problem solving and decision making. The training has been well received by those involved, and it appears to have a positive impact on the dispute resolution between agencies and members of the Saskatchewan public.

a. Number and Nature of Claims Received, Negotiated, Completed, Withdrawn and Carried Forward by the Board in 2003

i. Number and Nature of Claims Negotiated in 2003

(A)	Carried forward from 2002:		
	i)	Route, Situation or Design	5
	ii)	Compensation	2
		Subtotal	7
(B)	New claims received in 2003:		
	i)	Route, Situation or Design	1
	ii)	Compensation	2
		Subtotal	3
		Total	**10**

ii. Number and Nature of Claims Completed in 2003

i)	Route, Situation or Design	5
ii)	Compensation	4
	Total	**9**

iii. Number and Nature of Claims Withdrawn in 2003

i)	Route, Situation or Design	0
ii)	Compensation	0
	Total	**0**

iv. Number and Nature of Claims Carried Forward into 2004

i)	Route, Situation or Design	1
ii)	Compensation	0
	Total	1

b. Number and Nature of Claims Received by the Board in 2003 (by Expropriating Authority)

Expropriating Authority	Route Situation or Design	Compensation	Total
SaskTel	0	0	0
SaskPower	0	1	1
Highways	1	0	1
Miscellaneous	0	1	1

c. Number and Nature of Claims Initiated with the Board in 2003 (by Expropriating Authority)

Expropriating Authority	Route Situation or Design	Compensation	Total
SaskTel	0	0	0
SaskPower	0	1	1
Highways	1	0	1
Miscellaneous	0	1	1

d. Resolution of Claims Initiated with the Board in 2003 (by Expropriating Authority)

Expropriating Authority	Negotiated Successfully	Negotiated Unsuccessfully	Withdrawn	Total
SaskTel	1	0	0	1
SaskPower	1	0	0	1
Highways	5	0	0	5
Miscellaneous	1	1	0	2

e. **Number and Nature of Claims Received by the Board (1993 – 2003)**

Year	Route, Situation or Design	Compensation	Total
1993	1	1	2
1994	3	3	6
1995	3	3	6
1996	3	4	7
1997	2	4	6
1998	3	6	9
1999	0	2	2
2000	3	3	6
2001	2	2	4
2002	8	3	11
2003	1	2	3

f. Number of Claims Received by the Board by Expropriating Authority (1993 – 2003)

Year	Conservation & Development Area Authorities	SaskTel	Sask Power	Sask Energy	Sask Hwys	Misc.
1993	0	0	0	0	0	2
1994	0	2	1	2	0	1
1995	0	4	0	2	0	0
1996	0	4	2	0	0	1
1997	0	2	3	0	0	1
1998	0	4	2	0	1	2
1999	0	1	0	0	0	1
2000	0	4	0	0	2	0
2001	0	1	0	0	1	2
2002	2	1	0	0	7	1
2003	0	0	1	0	1	1